

REMARKS

1. Preliminary Remarks

a. Status of the Claims

Claims 1-4, 10-16, 26, and 28-33 are pending in this application. Claims 1-4 and 10-16 are allowed. Applicant respectfully requests entry of the remarks made herein into the file history of the application. Upon entry of the remarks, claims 1-4, 10-16, and 28-33 will be pending and under active consideration.

2. 35 U.S.C. § 102

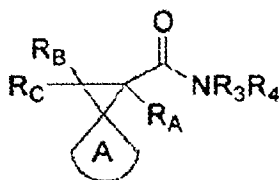
a. Concellon

On page 2 of the Office Action, the Examiner rejects claims 26, 28, and 29 under 35 U.S.C. § 102(a) as allegedly being anticipated by Concellon. The Examiner asserts that the following compound taught by Concellon falls within the scope of these claims.



Applicant respectfully disagrees.

Instant claim 26 relates to a compound of formula (II),



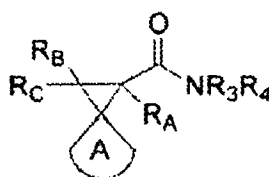
(II)

where A is cyclohexyl. Between R_3 and R_4 , only R_4 can be alkyl. In the cited structure, however, the equivalents to R_3 and R_4 of instant formula (I) are both alkyl, thereby falling outside the scope of instant claim 26. Since Concellon does not teach or suggest a compound having all the limitations of the compound of instant claim 26, Concellon does not anticipate this claim. Applicant further notes that Concellon also does not anticipate the narrower scope of compounds in claims 28 and 29, because these claims relate to a compound where R_3 is (NR_5R_6) carbonylalkyl, which Concellon does not disclose. In view of the foregoing, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 26, 28, and 29 under 35 U.S.C. § 102(a) over Concellon, and the corresponding objection to claims 30-33.

b. De Kimpe

The Examiner also rejects claims 26, 28, and 29 under 35 U.S.C. § 102(b) as allegedly being anticipated by De Kimpe. The Examiner asserts that DeKimpe discloses 1-amino-2,2-dialkylcyclopropanecarboxylic acids that overlap with the compound of claim 26. The Examiner specifically names examples of these compounds, such as, spiro[2.5]octane-1,1-dicarboxylic acid, 1-methyl ester; spiro[2.5]octane-1-carboxylic acid, 1-[(methoxycarbonyl)amino]; spiro[2.5]octane-1-carboxylic acid, 1-[(ethoxycarbonyl)amino]; and spiro[2.5]octane-1-carboxylic acid, 1-amino.

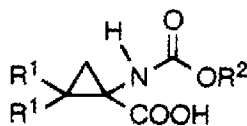
Applicant respectfully disagrees. As discussed above, instant claim 26 relates to a compound of formula (II)



(II)

The instantly claimed compound thus has a carbonyl group attached at the 1-position on the spiro[2.5]octane group, and an amine group attached to the carbonyl group, thereby forming a carboxamide. Groups R_3 and R_4 are attached to the nitrogen.

In contrast, all but the last of the compounds cited by the Examiner are based on the structure



where $(R_1)_2 = (CH_2)_5$ (i.e., cyclohexyl), and $R^2 =$ methyl or ethyl (based on Table 2, compounds 8ca and 8cb) (“De Kimpe Compound I” hereafter). The De Kimpe Compound I therefore has an amine group attached at the 1-position of the spiro[2.5]octane group, and a carboxylic acid group attached to the amine group. Thus, the order of the amine and carbonyl groups in the De Kimpe Compound I does not match that of the compound of instant claim 26. Additionally, group R^2 in the De Kimpe Compound I forms an alkoxy group with the carboxylic acid group that is attached to the amine group, while the R_3 and R_4 groups of instant claim 26 are attached to an amine. Moreover, the De Kimpe Compound I also has a carboxylic acid group attached at the 1-position spiro[2.5]octane group, which is the equivalent to the R_A group of the compound of instant claim 26. R_A , however, can only be hydrogen or alkyl. Lastly, the R^2 group of the De Kimpe Compound I must be an alkyl group. This alkyl group is equivalent to the R_3 group of the compound of instant

claim 26. In the compound of instant claim 26, even if R_4 is hydrogen (since R_3 cannot be), R_3 cannot be an alkyl group. Thus, the De Kimpe Compound I differs from the compound of instant claim 26 in numerous ways, and therefore falls outside of the scope of claim 26.

The last compound cited by the Examiner, or spiro[2.5]octane-1-carboxylic acid, 1-amino, is



where $(R_1)_2 = (CH_2)_5$ (i.e., cyclohexyl) (based on Scheme 2, compound 9c) (“De Kimpe Compound II” hereafter). This compound lacks the required carboxamide group attached at the 1-position of the spiro[2.5]octane group of the compound of instant claim 26. The De Kimpe Compound II also lacks the required R_3 and R_4 groups attached to the amine of the carboxamide group. Furthermore, the R_A group of the compound of instant claim 26 can only be hydrogen or alkyl, whereas in the De Kimpe Compound II, the equivalent to R_A is either amino or carboxylic acid. Accordingly, the De Kimpe Compound II also falls outside the scope of instant claim 26. Therefore, none of the cited De Kimpe compounds teaches or suggests all of the limitations of instant claim 26, and therefore do not anticipate this claim. In view of the foregoing, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 26, 28, and 29 under 35 U.S.C. § 102(b) over De Kimpe, and the corresponding objection to claims 30-33.

3. Conclusion

Applicant respectfully submits that the instant application is in good and proper order for allowance and early notification to this effect is solicited. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the instant application, the Examiner is encouraged to call the undersigned at the number listed below.

Respectfully submitted,

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Dated: October 24, 2010

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